

REMARKS

This application has been reviewed in light of the Office Action dated November 19, 2010. Claims 1-8, 10 and 11 are presented for examination, of which Claim 1 is in independent form. Claims 1 and 6 have been amended to define still more clearly what Applicants regard as the invention. Favorable reconsideration is respectfully requested.

In the outstanding Office Action, Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,710,634 (Kuriyama et al.) in view of U.S. Patent 6,246,493 (Uchiyama et al.) and further in view of U.S. Patent 5,115,374 (Hongoh), and Claims 4-8, 10 and 11, as being unpatentable over *Kuriyama* in view of *Uchiyama, Hongoh* and U.S. Patent 6,011,634 (Aibara et al.).

Applicants submit that the independent claim, together with its dependent claims, is patentable over the cited prior art for at least the following reasons.

The nature of the claims has been adequately discussed in previous Amendments, and it is not believed necessary to repeat that discussion in full.

According to certain aspects of what Applicants are claiming, a facsimile (FAX) machine has a document inserting port in the rear portion (para. [0050]) and a document ejecting port in the front portion (para. [0053]). It also has an operation panel in the upper portion and a display unit which is rotatably connected to one side of the operation panel. When it is in the upright position, the display unit faces the front; when it is in the closedown position, the display unit overlies the operation panel (para. [0054]).¹

Specifically, Claim 1 is directed to a FAX machine where “said operation panel is disposed between said display unit and said document ejecting port”.

¹ It is to be understood that the scope of the claims is not limited by the details of this or any other embodiment that may be referred to.

This feature is not believed to be disclosed or suggested in *Kuriyama*, *Uchiyama* and *Hongoh*, considered separately or in any permissible combination.

Kuriyama relates to an output apparatus, such as a FAX machine, which has a joint paper conveying path for conveying both an original document for scanning and a recording sheet for recording, as in the prior art (*see* col. 1, line 66-col. 2, line5). Furthermore, the output apparatus is capable of determining whether the paper to be conveyed is an original document or a recording sheet (*see* Abstract).

Even if the output apparatus in *Kuriyama* has a display section which faces the front (*see* 501 of Fig. 57, 3 of Fig. 2), it has, in direct contrast to the FAX machine of Claim 1, a document inserting port in the front portion (*see* 505 of Fig. 57, 9 of Fig. 2; col. 1, lines 34-43, col. 9, line 55-col. 10, line 8) and a document ejecting port in the rear portion (*see* 507 of Fig. 57, 13 of Fig. 2).

The Office appears to believe that the output apparatus in *Kuriyama* has a document inserting port where an original document is inserted in the rear portion (*see* Page 3). Applicants do not agree that such structure is taught or suggested by anything in *Kuriyama*. The Office appears to further believe that the output apparatus may have a document inserting port (or a document ejecting port) in the front portion or in the rear portion depending on a user's desire (*see* Page 4). Applicants submit that the portion of *Kuriyama* cited in the Office Action as being relevant describes simply the path through which an original document is conveyed, without any indication that the orientation of such a path in the output apparatus is variable based on a user's preference (*see* Fig. 68; col. 2, lines 21-56).

On the other hand, *Uchiyama* is directed to a FAX machine which uses a relatively small number of types of rollers (*see* col. 1, lines 40-48). While it has an operational

panel which might face the front, the FAX machine has no display unit (*see* Fig. 1). Even assuming that it were permissible to combine *Kuriyama* and *Uchiyama*, it would not be clear at all why one with ordinary skill in the art would specifically configure the resulting apparatus to have an operation panel in the upper portion, a document ejecting port in the front portion, and a display unit which faces the front and may overlap onto the operation panel, so that “said operation panel is disposed between said display unit and said document ejecting port”, as recited in Claim 1.

Even assuming that *Hongoh* did disclose everything for which it is cited, it is not believed to remedy the deficiency noted above. Therefore, Claim 1 is believed patentable over *Kuriyama*, *Uchiyama* and *Hongoh*, considered separately or in any permissible combination.

A review of the other art of record has failed to reveal anything which, in Applicants’ opinion, would remedy the deficiencies of the art discussed above, as references against the independent claim. Therefore, the independent claim is believed to be allowable over the art of record.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. In any event, however, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact

Applicants' undersigned representative in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Leonard P Diana/
Leonard P. Diana
Attorney for Applicants
Registration No.: 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200